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ANNALISA N. GRANT, ESQ.
 Nevada Bar No. 11807
 GRANT & ASSOCIATES
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 Annalisa.Grant@aig.com

Attorney for Defendants
 JOGINDER SINGH and
 PEOPLE EXPRESS TRANSPORT LTD.

DISTRICT COURT
CLARK COUNTY, NEVADA

CARLOS ESPINOZA; and CRISTINA)
 ESPINOZA, Husband and Wife)

CASE NO.: A-17-757605-C
 DEPT. NO.: XXI

Plaintiffs,

PETITION FOR REMOVAL OF
 ACTION UNDER 28 U.S.C. §1441(b)

vs.

(Diversity Jurisdiction)

JOGINDER SINGH; PEOPLE EXPRESS)
 TRANSPORT LTD.; DOES I through V and)
 ROE CORPORATIONS VI through X,)
 inclusive,)

Defendants.

COME NOW Defendants JOGINDER SINGH and PEOPLE EXPRESS TRANSPORT, LTD., by and through their counsel of record, ANNALISA N. GRANT, ESQ., of the law firm of GRANT & ASSOCIATES, and hereby submit and respectfully show:

1. Petitioners JOGINDER SINGH and PEOPLE EXPRESS TRANSPORT, LTD. are Defendants in the above-entitled action.

2. The above-entitled action was commenced in the Eighth Judicial District Court in and for Clark County, District of Nevada, on or about June 28, 2017, and is now pending in that court. Defendants JOGINDER SINGH and PEOPLE EXPRESS TRANSPORT, LTD. answered the Complaint on or about September 27, 2017.

3. A copy of the original Complaint is attached as EXHIBIT A. A copy of JOGINDER SINGH and PEOPLE EXPRESS TRANSPORT, LTD.'s Answer to the Complaint

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1 is attached as **EXHIBIT B**. A copy of Defendants JOGINDER SINGH and PEOPLE EXPRESS
2 TRANSPORT, LTD.'s Demand for Jury Trial is attached as **EXHIBIT C**.

3 4. This Petition is filed timely pursuant to 28 USC §1446(b)(3).

4 5. This action is a civil action of which this Court has diversity jurisdiction under
5 the provisions of 28 USC §1332, and is one which may be removed to this Court by Petitioner,
6 pursuant to the provisions of 28 USC §1446(b).

7 5. Petitioners are informed, believe and thereon allege that Plaintiffs CARLOS
8 ESPINOZA and CHRISTINA ESPINOZA are and were at the time this action was commenced,
9 residents of Clark County in the State of Nevada and that they are citizens of the State of
10 Nevada.

11 6. Complete diversity of citizenship exists since Plaintiffs are a citizen of the State
12 of Nevada and Defendant PEOPLE EXPRESS TRANSPORT, LTD. is a corporation
13 incorporated under the laws of and having its principal place of business in Alberta, Canada.
14 Defendant JOGINDER SINGH ESPINOZA is and was at the time this action was commenced,
15 a resident of Alberta, Canada and that he is a citizen of Canada. Defendants JOGINDER
16 SINGH and PEOPLE EXPRESS TRANSPORT, LTD. are the only defendants that have been
17 served with a summons and complaint in this action.

18 7. The above-entitled civil action is based on a claim for injuries Plaintiff alleges
19 occurred on northbound Interstate 15 in Nipton, California. Plaintiffs' claimed damages are
20 alleged to be in excess of \$75,000. *See*, Plaintiffs Request for Exemption from Arbitration,
21 attached hereto as **EXHIBIT D** (medical specials estimated at \$111,117.99), which was received
22 by Defendants on October 3, 2017.

23 8. A copy of Defendants' Petition for Removal of Civil Action, seeking removal of
24 the above-entitled action to the United States District Court, District of Nevada, has been
25 deposited with the Deputy Clerk in the County Clerk's office for the Eighth Judicial District
26 Court, in and for the County of Clark, State of Nevada.

27 9. This Petition is filed with the Court within thirty (30) days after service on
28 Defendants' counsel of information indicating that Plaintiffs' case has a potential value in

1 excess of \$75,000. Said information was contained in Plaintiffs' Request for Exemption from
2 Arbitration, served on Defendants on served on September 28, 2017, and received on October 3,
3 2017. *See*, **EXHIBIT D**. Accordingly, removal is timely and proper in this matter.

4 WHEREFORE, Defendants JOGINDER SINGH and PEOPLE EXPRESS
5 TRANSPORT, LTD. pray that the above-entitled action be removed from the Eighth Judicial
6 District Court in and for the County of Clark, State of Nevada, to this court.

7 DATED this 16th day of October, 2017.

8
9 GRANT & ASSOCIATES

10 

11 ANNALISA N. GRANT, ESQ.

12 Nevada Bar No. 11807

13 GRANT & ASSOCIATES

14 7455 Arroyo Crossing Parkway, Suite 300

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16 Phone: (702) 940-3529

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18 Annalisa.Grant@aig.com

19 Attorney for Defendants,
20 JOGINDER SINGH and
21 PEOPLE EXPRESS TRANSPORT LTD.
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Carrie DeVogel
An Employee of
GRANT & ASSOCIATES

Exhibit "A"

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1 SUMM

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA

4 CARLOS ESPINOZA; and
5 CRISTINA ESPINOZA,
6 Husband and Wife,

7 Plaintiffs,

8 vs.

CASE NO.: A-17-757605-C
DEPARTMENT: XXI

9 JOGINDER SINGH;
10 PEOPLE EXPRESS TRANSPORT LTD.;
11 DOES I through V
12 and ROE CORPORATIONS VI through X,
13 inclusive,

SUMMONS

14 Defendants.

15 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT
16 YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE
17 INFORMATION BELOW.**

18 **TO THE DEFENDANT:** A civil Complaint has been filed by the Plaintiff against you for the relief set forth in the
19 Complaint.

20 1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the
21 day of service, you must do the following:

22 a. File with the Clerk of this Court, whose address is shown below, a formal written response to the
23 Complaint in accordance with the rules of the Court.

24 b. Serve a copy of your response upon the attorney whose name and address is shown below.

25 2. Unless you respond, your default will be entered upon application of the Plaintiff and this Court may enter
26 a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other
27 relief requested in the Complaint.

28 3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response
may be filed on time.

Issued at the direction of

CLERK OF THE COURT

Daniel S. Simon, Esq. #4750

SIMON LAW

810 South Casino Center Blvd. LV, NV 89101

Attorney for Plaintiff

By

Deputy Clerk

Clark County Courthouse

200 Lewis Avenue

Las Vegas, Nevada 89155

7/7/2017

Date

Shimaya Ladson

SIMON LAW
810 S. Casino Center Blvd.
Las Vegas, Nevada 89101
702-364-1650 Fax: 702-364-1655

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1 SUMM

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA4 CARLOS ESPINOZA; and
5 CRISTINA ESPINOZA,
6 Husband and Wife,

7 Plaintiffs,

8 vs.

CASE NO.: A-17-757605-C
DEPARTMENT: XXI9 JOGINDER SINGH;
10 PEOPLE EXPRESS TRANSPORT LTD.;
11 DOES I through V
12 and ROE CORPORATIONS VI through X,
13 inclusive,

14 Defendants.

SUMMONS15 **NOTICE! YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT**
16 **YOUR BEING HEARD UNLESS YOU RESPOND WITHIN 20 DAYS. READ THE**
17 **INFORMATION BELOW.**18 **TO THE DEFENDANT:** A civil Complaint has been filed by the Plaintiff against you for the relief set forth in the
19 Complaint.20 1. If you intend to defend this lawsuit, within 20 days after this Summons is served on you exclusive of the
21 day of service, you must do the following:22 a. File with the Clerk of this Court, whose address is shown below, a formal written response to the
23 Complaint in accordance with the rules of the Court.

24 b. Serve a copy of your response upon the attorney whose name and address is shown below.

25 2. Unless you respond, your default will be entered upon application of the Plaintiff and this Court may enter
26 a judgment against you for the relief demanded in the Complaint, which could result in the taking of money or property or other
27 relief requested in the Complaint.28 3. If you intend to seek the advice of an attorney in this matter, you should do so promptly so that your response
may be filed on time.

Issued at the direction of

CLERK OF THE COURT

Daniel S. Simon, Esq. #4750

SIMON LAW

810 South Casino Center Blvd. LV, NV 89101

Attorney for Plaintiff

By

Deputy Clerk
Clark County Courthouse
200 Lewis Avenue
Las Vegas, Nevada 89155

7/7/2017

Date

Shimaya Ladson

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1 STATE OF NEVADA)
) ss:
 2 COUNTY OF CLARK)

3 _____, being duly sworn says: That at all times herein Affiant was and is a citizen of the
 United State, over 18 years of age, not a party to nor interested in the proceeding in which this Affidavit is made. That Affiant
 4 received ___ copy(ies) of the Summons and Amended Complaint, _____

5 _____ on the _____ day of _____, _____, an served the same on the _____ day of _____, _____, by:

6 1. Delivering and leaving a copy with the Defendant _____ at
 7 _____

8 2. Serving the Defendant _____ by personally delivering and leaving a
 copy with _____, a person of suitable age and discretion residing at the
 Defendant's usual place of abode located at: _____

9 3. Serving the Defendant _____ by personally delivering and leaving a copy at _____
 10 _____

11 a. With _____ as _____, an agent
 lawfully designated by statute to accept service of process;

12 b. With _____, pursuant to NRS 14.020 as a person of suitable age and
 13 discretion at the above address, which address is the address of the resident agent as shown on the current
 certificate of designation filed with the Secretary of State.

14 4. Personally depositing a copy in a mail box of the United States Post Office, enclosed in a sealed envelope postage
 15 prepaid:

16 _____ Ordinary mail
 _____ Certified mail, return receipt requested
 17 _____ Registered mail, return receipt requested

18 addressed to the Defendant _____ at Defendant's last known address which is _____
 19 _____


20 SUBSCRIBED AND SWORN to before me this
 _____ day of _____, _____

(Signature of Person Making Service)

21 _____
 22 Notary Public in and for the County of
 State of Nevada

23 My commission expires: _____
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 26
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 28

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Steven D. Grierson
CLERK OF THE COURT



1 **COMP**
2 **DANIEL S. SIMON, ESQ.**
3 Nevada Bar No. 4750
4 **SIMON LAW**
5 810 South Casino Center Boulevard
6 Las Vegas, Nevada 89101
7 Telephone (702) 364-1650
8 Facsimile (702) 364-1655
9 lawyers@simonlawlv.com
10 Attorneys for Plaintiff

11 **DISTRICT COURT**
12 **CLARK COUNTY, NEVADA**

13 **CARLOS ESPINOZA; and**
14 **CRISTINA ESPINOZA,**
15 **Husband and Wife,**

16 **Plaintiffs,**

17 **vs.**

18 **JOGINDER SINGH;**
19 **PEOPLE EXPRESS TRANSPORT LTD.;**
20 **DOES I through V**
21 **and ROE CORPORATIONS VI through X,**
22 **inclusive,**

23 **Defendants.**

24 **CASE NO. A-17-757605-C**
25 **DEPARTMENT: Department 21**

26 **COMPLAINT**

27 **COMES NOW Plaintiffs' CARLOS ESPINOZA and CRISTINA ESPINOZA, by and through**
28 **their attorney, DANIEL S. SIMON, ESQ., of SIMON LAW and for cause of action against**
29 **Defendants, alleges as follows:**

30 **I.**

31 **FIRST CAUSE OF ACTION**

32 **(NEGLIGENCE)**

33 **1. That all times relevant hereto, the Plaintiffs, CARLOS ESPINOZA and CRISTINA**
34 **ESPINOZA, were and now are residents of County of Clark, State of Nevada.**

35 **2. Upon information and belief, at all times relevant hereto, Defendant JOGINDER**
36 **SINGH was and now is a resident of Calgary, Alberta.**

37 **3. That upon information and belief, at all times relevant to this action, Defendant**
38 **PEOPLE EXPRESS TRANSPORT LTD. was a foreign company duly licensed and doing business**

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1 in the United State of America, including, County of Clark, State of Nevada.

2 4. That the true names and capacities, whether individual, corporate, associate, or
3 otherwise, of the Defendant DOES I through V and ROE CORPORATIONS VI through X, inclusive,
4 is presently unknown to Plaintiff who, therefore, sues said Defendants by such fictitious names.
5 Plaintiff is informed and believes and thereupon alleges that the Defendants herein designated as a
6 DOE and/or ROE CORPORATION are responsible in some manner for the events and happenings
7 herein referred to, thereby proximately causing the injury and damages to the Plaintiff as herein
8 alleged. When the true names and or capacities of such Defendants becomes known, Plaintiff will
9 ask leave of this Court to amend his Complaint to insert the true names, identities and capacities,
10 together with the appropriate charging allegations.

11 5. That on or about January 21, 2016, Plaintiff, CARLOS ESPINOZA, was a truck driver
12 traveling northbound on Interstate 15 when Defendant JOGINDER SINGH, while in the course and
13 scope of his employment with, Defendant PEOPLE EXPRESS TRANSPORT LTD., was driving a
14 vehicle owned and registered to Defendant PEOPLE EXPRESS TRANSPORT LTD., and failed to
15 pay full attention and violently rear-ended Plaintiff's vehicle causing him to lose control of his vehicle
16 causing him to leave the freeway where he overturned his tracker trailer in the open desert. This
17 collision caused serious and disabling injuries to Plaintiff's person.

18 6. That at all relevant times, Defendant JOGINDER SINGH was an agent, servant,
19 employee, or joint venturer of Defendant PEOPLE EXPRESS TRANSPORT LTD.. Defendant
20 PEOPLE EXPRESS TRANSPORT LTD., is vicariously liable for the acts of Defendant JOGINDER
21 SINGH and/or its employees, agents or partners. Defendant PEOPLE EXPRESS TRANSPORT
22 LTD., has fully authorized, approved and ratified the conduct of Defendant JOGINDER SINGH.

23 7. That at said time and place, Defendants so negligently, intentionally, and/or recklessly
24 operated, owned, maintained, controlled, entrusted and drove said motor vehicle as to proximately
25 cause the accident with Plaintiff's vehicle.

26 8. That as a direct and proximate result of the negligent, intentional, and/or reckless
27 conduct on the part of the Defendants, the Plaintiff CARLOS ESPINOZA was rendered sick and lame
28 and received serious and disabling injuries to his person; severe shock to the nervous system and great

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1 pain, suffering anxiety; and loss of enjoyment of life that further Plaintiff CARLOS ESPINOZA was
2 prevented in part from attending to his usual activities and will be prevented, in part, from attending
3 to his usual activities in the future; and that, further, said injuries have permanently and partially
4 disabled said Plaintiff.

5 9. As a direct and proximate result of the negligent, intentional, and/or reckless conduct
6 on the part of the Defendants, as aforesaid, the Plaintiff CARLOS ESPINOZA was required to seek
7 medical care and to undergo medical treatment, including, but not limited to, treatment by physicians,
8 and the taking of medication; that the total cost of said medical treatment to date is believed to be in
9 an amount in excess of \$15,000.00.

10 10. As a direct and proximate result of the negligent, intentional, and/or reckless conduct
11 of the Defendants, and each of them, as aforesaid, Plaintiff CARLOS ESPINOZA will in the future
12 be required to expend sums for medical care and treatment for such injuries, all to his damage, in a
13 sum in excess of \$15,000.00.

14 11. As a direct and proximate result of the negligent, intentional, and/or reckless conduct
15 on the part of the Defendants, as aforesaid, the Plaintiff CARLOS ESPINOZA has suffered great
16 physical and mental anguish pain, suffering, and anxiety, and loss of enjoyment of life, and will
17 continue to do so in the future, all to his damage in a sum in excess of \$15,000.00.

18 12. As a direct and proximate result of the negligent, intentional, and/or reckless conduct
19 on the part of the Defendants, as aforesaid, the Plaintiff CARLOS ESPINOZA has incurred lost wages
20 and loss of earning capacity and will continue to do so in the future, all to his damage in a sum to be
21 determined at trial.

22 13. Defendants' actions were malicious, wilful, oppressive, intentional and done in a
23 reckless disregard of Plaintiff's rights, proximately causing injuries to Plaintiff as alleged herein.
24 Punitive damages should be awarded against Defendants in a sum to be determined at the time of
25 trial.

26 14. That the Plaintiff CARLOS ESPINOZA has been required to retain an attorney to
27 prosecute this action, and is entitled to recover reasonable attorney's fees, interest and costs of suit.

28 //

II.SECOND CAUSE OF ACTION(NEGLIGENT AND RECKLESS HIRING, TRAINING, SUPERVISION & RETENTION)

15. Plaintiff repeats and realleges each and every allegation contained in paragraphs 1 through 14 of the Complaint, as though fully set forth herein.

16. That Defendant PEOPLE EXPRESS TRANSPORT LTD., had a duty to exercise due care in its dealings with the Plaintiff CARLOS ESPINOZA and in the selection, training, supervision, oversight, direction, retention and control of its employees and/or agents.

17. That Defendant PEOPLE EXPRESS TRANSPORT LTD., breached that duty by employing Defendant JOGINDER SINGH, even though Defendant PEOPLE EXPRESS TRANSPORT LTD., knew, or should have known, of Defendant JOGINDER SINGH'S dangerous propensities, and that he was unfit for employment.

18. That as a direct and proximate result of the conduct of Defendants, and each of them, Plaintiff has been damaged in a sum in excess of \$15,000.00.

19. Defendants' actions were malicious, wilful, oppressive, intentional and done in a reckless disregard of Plaintiff's rights, Defendant was operating its vehicle under the influence of an unlawful substance. Punitive damages should be awarded against Defendants in a sum to be determined at the time of trial.

20. That the Plaintiff CARLOS ESPINOZA has been required to retain an attorney to prosecute this action, and is entitled to recover reasonable attorney's fees, interest and costs of suit.

III.THIRD CAUSE OF ACTION(NEGLIGENCE PER SE)

21. Plaintiffs repeat and reallege each and every allegation contained in paragraphs 1 through 20 of the Complaint, as though fully set forth herein.

22. California Vehicle Code 22350 and Department of Transportation Rules and Regulations are intended to protect a class of drivers, including Plaintiff CARLOS ESPINOZA when operating motor vehicles on roadways.

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23. Defendant JOGINDER SINGH violated California Vehicle Code 22350 and Department of Transportation Rules and Regulations. As no person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property. Defendant violated CVC 22350 and Department of Transportation Rules and Regulations and thus violently rear-ended Plaintiffs' vehicle causing serious and disabling injuries.

24. That at all relevant times, Defendant JOGINDER SINGH was an agent, servant, employee, or joint venturer of Defendant PEOPLE EXPRESS TRANSPORT LTD. Defendant PEOPLE EXPRESS TRANSPORT LTD. is vicariously liable for the acts of Defendant JOGINDER SINGH and/or its employees. Defendant PEOPLE EXPRESS TRANSPORT LTD. has fully authorized, approved and ratified the conduct of Defendant JOGINDER SINGH.

25. Violation of CVC 22350 and Department of Transportation Rules and Regulations by Defendants is negligence per se as Plaintiffs' damages were directly and proximately caused by said violation.

26. That as a direct and proximate result of the conduct of Defendants and their violation of CVC 22350 and Department of Transportation Rules and Regulations, Plaintiffs have been damaged in a sum in excess of \$15,000.00.

27. Defendants' actions were malicious, wilful, oppressive, intentional and done in a reckless disregard of Plaintiffs' rights and proximately caused damage to Plaintiffs. Punitive damages should be awarded against Defendants in a sum to be determined at the time of trial.

28. That the Plaintiffs CARLOS ESPINOZA and CRISTINA ESPINOZA have been required to retain an attorney to prosecute this action, and is entitled to recover reasonable attorney's fees, interest and costs of suit.

IV.

THIRD CAUSE OF ACTION

(LOSS OF CONSORTIUM)

29. Plaintiffs repeat and reallege paragraphs 1 through 28 and incorporate same by

1 reference as though fully set forth herein.

2 30. Plaintiff CARLOS ESPINOZA is obligated to provide for the support, maintenance
3 and care of his wife, CRISTINA ESPINOZA; that by reason of the injuries suffered by Plaintiff
4 CARLOS ESPINOZA, Plaintiff, CRISTINA ESPINOZA, has been deprived of her husband's society
5 and companionship and as it has not been possible for him to perform his normal duties as spouse and
6 has hindered his ability to support and maintain Plaintiff, CRISTINA ESPINOZA, all to her damage
7 in a sum to be determined at the time of trial.

8 31. Plaintiff, CRISTINA ESPINOZA, has been required to obtain the services of an
9 attorney in order to prosecute this action and is entitled to recover reasonable attorney's fees plus
10 interest and costs of suit.

11 WHEREFORE, Plaintiff prays judgment against the Defendants as follows:

- 12 1. For a sum in excess of \$15,000.00 for past and future medical expenses;
- 13 2. For a sum in excess of \$15,000.00 for past and future pain, suffering, anxiety and
- 14 general damages;
- 15 3. For a sum to be determined at trial for past and future loss of income;
- 16 4. For a sum in excess of \$15,000.00 for loss of enjoyment of life;
- 17 5. For a sum to be determined at the time of trial for punitive damages;
- 18 6. For a sum to be determined at trial for past and future loss of consortium and general
- 19 damages;
- 20 7. For reasonable attorney's fees, interest and costs of suit; and
- 21 8. For such other and further relief as the Court may deem just and proper.

22 Dated this 28th day of June, 2017.



23
24
25 DANIEL S. SIMON, ESQ.
26 Nevada Bar No. 4750
27 SIMON LAW
28 810 South Casino Center Blvd.
Las Vegas, Nevada 89101
Attorneys for Plaintiff

Exhibit "B"

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Steven D. Grierson
CLERK OF THE COURT



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2 ANNALISA N. GRANT, ESQ.
3 Nevada Bar No. 11807
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9 Annalisa.Grant@aig.com

10 Attorney for Defendants
11 JOGINDER SINGH and
12 PEOPLE EXPRESS TRANSPORT LTD.

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DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

11 CARLOS ESPINOZA; and CRISTINA)
12 ESPINOZA, Husband and Wife)

13 Plaintiffs,

14 vs.

15 JOGINDER SINGH; PEOPLE EXPRESS)
16 TRANSPORT LTD.; DOES I through V and)
17 ROE CORPORATIONS VI through X,)
18 inclusive,)

19 Defendants.)

CASE NO.: A-17-757605-C
DEPT. NO.: XXI

DEFENDANTS JOGINDER SINGH
AND PEOPLE EXPRESS
TRANSPORT LTD.'S ANSWER TO
PLAINTIFFS' COMPLAINT

20 COME NOW Defendants, JOGINDER SINGH and PEOPLE EXPRESS TRANSPORT
21 LTD., by and through their counsel of record, Annalisa N. Grant, Esq. of Grant & Associates,
22 and hereby Answer Plaintiffs' Complaint as follows:

I.

FIRST CAUSE OF ACTION

(NEGLIGENCE)

23 1. Answering paragraph 1 of the Complaint, these Answering Defendants are
24 without sufficient information to form a belief as to the truth of the allegations contained
25 therein, and therefore deny the same.

26 2. Answering paragraph 2 of the Complaint, these Answering Defendants admit the

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1 allegations contained herein.

2 3. Answering paragraph 3 of the Complaint, these Answering Defendants are
3 without sufficient information to form a belief as to the truth of the allegations contained
4 therein, and therefore deny the same.

5 4. Answering paragraph 4 of the Complaint, these Answering Defendants are
6 without sufficient information to form a belief as to the truth of the allegations contained
7 therein, and therefore deny the same.

8 5. Answering paragraph 5 of the Complaint, these Answering Defendants state that
9 this paragraph calls for a legal conclusion and, therefore, no response is required. To the extent
10 this paragraph requires an answer, these Answering Defendants deny the allegations contained
11 therein.

12 6. Answering paragraph 6 of the Complaint, these Answering Defendants state that
13 this paragraph calls for a legal conclusion and, therefore, no response is required. To the extent
14 this paragraph requires an answer, these Answering Defendants deny the allegations contained
15 therein.

16 7. Answering paragraph 7 of the Complaint, these Answering Defendants state that
17 this paragraph calls for a legal conclusion and, therefore, no response is required. To the extent
18 this paragraph requires an answer, these Answering Defendants deny the allegations contained
19 therein.

20 8. Answering paragraph 8 of the Complaint, these Answering Defendants state that
21 this paragraph calls for a legal conclusion and, therefore, no response is required. To the extent
22 this paragraph requires an answer, these Answering Defendants deny the allegations contained
23 therein.

24 9. Answering paragraph 9 of the Complaint, these Answering Defendants state that
25 this paragraph calls for a legal conclusion and, therefore, no response is required. To the extent
26 this paragraph requires an answer, these Answering Defendants deny the allegations contained
27 therein.

28 10. Answering paragraph 10 of the Complaint, these Answering Defendants state

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that this paragraph calls for a legal conclusion and, therefore, no response is required. To the extent this paragraph requires an answer, these Answering Defendants deny the allegations contained therein.

11. Answering paragraph 11 of the Complaint, these Answering Defendants state that this paragraph calls for a legal conclusion and, therefore, no response is required. To the extent this paragraph requires an answer, these Answering Defendants deny the allegations contained therein.

12. Answering paragraph 12 of the Complaint, these Answering Defendants state that this paragraph calls for a legal conclusion and, therefore, no response is required. To the extent this paragraph requires an answer, these Answering Defendants deny the allegations contained therein.

13. Answering paragraph 13 of the Complaint, these Answering Defendants state that this paragraph calls for a legal conclusion and, therefore, no response is required. To the extent this paragraph requires an answer, these Answering Defendants deny the allegations contained therein.

14. Answering paragraph 14 of the Complaint, these Answering Defendants are without sufficient information to form a belief as to the truth of the allegations contained therein, and therefore deny the same.

II.

SECOND CAUSE OF ACTION

(NEGLIGENT AND RECKLESS HIRING, TRAINING, SUPERVISION & RETENTION)

15. Answering Paragraph 15 of the Complaint, these Answering Defendants repeat and respond to Paragraphs 1 through 14 as those fully set forth herein.

16. Answering paragraph 16 of the Complaint, these Answering Defendants state that this paragraph calls for a legal conclusion and, therefore, no response is required. To the extent this paragraph requires an answer, these Answering Defendants deny the allegations contained therein.

20. Answering paragraph 20 of the Complaint, these Answering Defendants are without sufficient information to form a belief as to the truth of the allegations contained therein, and therefore deny the same.

(NEGLIGENCE PER SE)

23. Answering paragraph 23 of the Complaint, these Answering Defendants state that this paragraph calls for a legal conclusion and, therefore, no response is required. To the extent this paragraph requires an answer, these Answering Defendants deny the allegations contained therein.

28. Answering paragraph 28 of the Complaint, these Answering Defendants are without sufficient information to form a belief as to the truth of the allegations contained therein, and therefore deny the same.

(LOSS OF CONSORTIUM)

31. Answering paragraph 31 of the Complaint, these Answering Defendants are

Grant & Associates
 7455 Arroyo Crossing Parkway, Suite 300
 Las Vegas, Nevada 89113
 Telephone No. (702) 940-3529
 Facsimile No. (855) 429-3413

1 without sufficient information to form a belief as to the truth of the allegations contained
 2 therein, and therefore deny the same.

3 **AFFIRMATIVE DEFENSES**

4 **FIRST AFFIRMATIVE DEFENSE**

5 These answering Defendants allege that Plaintiffs' Complaint and each and every cause
 6 of action stated therein fails to state facts sufficient to constitute a cause of action, or any cause
 7 of action, as against this answering Defendant.

8 **SECOND AFFIRMATIVE DEFENSE**

9 These Answering Defendants are informed and believes and thereon alleges that
 10 Plaintiff's alleged damages, if any, were and are, wholly or partially, contributed or proximately
 11 caused by Plaintiff's recklessness and/or negligence, thus barring or diminishing Plaintiffs'
 12 recovery herein according to principles of comparative negligence.

13 **THIRD AFFIRMATIVE DEFENSE**

14 These answering Defendants are not legally responsible for the acts and/or omissions of
 15 those Defendants named herein as DOES I through V, ROE BUSINESS ENTITIES I through V
 16 and ROE CORPORATIONS I through V.

17 **FOURTH AFFIRMATIVE DEFENSE**

18 These Answering Defendants are informed and believes and thereon alleges that if
 19 Plaintiff herein suffered or sustained any loss, injury, damage or detriment, the same was
 20 directly and proximately caused and contributed to by the conduct, acts, omission, activities,
 21 carelessness, recklessness, negligence and/or intentional misconduct of said Plaintiffs thereby
 22 completely or partially barring Plaintiff's recovery herein.

23 **FIFTH AFFIRMATIVE DEFENSE**

24 These Answering Defendants are informed and believes and thereon alleges that it is not
 25 legally responsible in any fashion with respect to damages and injuries claimed by Plaintiffs in
 26 the Complaint; however, if these Answering Defendants are subjected to any liability to the
 27 Plaintiffs, it will be due, in whole or in part, to the breach of warranty, acts, omissions,
 28 activities, carelessness, recklessness and negligence of others; wherefore, any recovery obtained

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1 by Plaintiffs herein against these Answering Defendants should be reduced in proportion to the
 2 respective negligence and fault and legal responsibility of all other parties, person and entities,
 3 their agents, servants and employees who contributed to and/or caused any such injury and/or
 4 damages, in accordance with the law of comparative negligence; the liability of these
 5 Answering Defendants, if any, is limited in direct proportion to the percentage of fault actually
 6 attributed to these Answering Defendants.

7 SIXTH AFFIRMATIVE DEFENSE

8 These Answering Defendants are informed and believes and thereon alleges that at the
 9 time and place of the incident alleged in Plaintiff's Complaint, Plaintiffs knew of and fully
 10 understood the danger and risk incident to its undertaking, but despite such knowledge,
 11 Plaintiffs freely and voluntarily assumed and exposed themselves to all risk of harm and the
 12 consequential injuries and damages, if any, resulting there from.

13 SEVENTH AFFIRMATIVE DEFENSE

14 These Answering Defendants are informed and believes and thereon alleges that
 15 Plaintiffs' Complaint and each and every cause of action contained therein is barred by the
 16 applicable Statute(s) of Limitation and/or Statute(s) of Repose.

17 EIGHTH AFFIRMATIVE DEFENSE

18 These Answering Defendants are informed and believes and thereon alleges that the
 19 damages complained of in Plaintiffs' Complaint, if any, resulted from an unforeseeable Act of
 20 God, thereby barring either partially or totally Plaintiffs' claimed damages herein.

21 NINTH AFFIRMATIVE DEFENSE

22 These Answering Defendants are informed and believes and thereon alleges that as to
 23 each alleged cause of action, Plaintiff has failed, refused and neglected to take reasonable steps
 24 to mitigate their alleged damages, if any, thus barring or diminishing Plaintiff's recovery herein.

25 TENTH AFFIRMATIVE DEFENSE

26 These Answering Defendants are informed and believes and thereon alleges that
 27 Plaintiffs was reimbursed for a portion of the claimed damages by a third party; these
 28 Answering Defendants are informed and believes and thereon alleges that Plaintiff have

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subrogated that third party to a portion of the damages claimed herein; these Answering Defendants are informed and believes and thereon alleges that by virtue of the aforementioned subrogation, Plaintiffs have failed to name indispensable parties, and have violated the rule against splitting causes of action, thus barring Plaintiffs' recovery herein.

ELEVENTH AFFIRMATIVE DEFENSE

These answering Defendants are informed and believe and thereon alleges that Plaintiffs have failed to join all necessary and indispensable parties to the lawsuit.

TWELFTH AFFIRMATIVE DEFENSE

These Answering Defendants are informed and believes and thereon alleges that the injuries and damages of which Plaintiffs complain were proximately caused by, or contributed to, by the acts of other Defendant(s), persons and/or other entities, and that said acts were an intervening and superseding cause of the injuries and damages, if any, of which Plaintiffs complain, thus barring Plaintiffs from any recovery against these Answering Defendants.

THIRTEENTH AFFIRMATIVE DEFENSE

These Answering Defendants hereby incorporates by reference those affirmative defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure as though fully set forth herein.

FOURTEENTH AFFIRMATIVE DEFENSE

Pursuant to N.R.C.P. 11, as amended, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available for responding party after reasonable inquiry upon the filing of these Answering Defendants' Answer to Plaintiffs' Complaint, and, therefore, these Answering Defendants reserve the right to amend their Answer to allege additional affirmative defenses, if subsequent investigation so warrants.

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\\

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WHEREFORE, Defendant prays for judgment as follows:

1. That Plaintiff takes nothing by virtue of the Complaint on file herein;
2. For the costs of suit incurred herein;
3. That Defendants be awarded their attorneys' fees and costs of suit incurred to defend this action; and,
4. For any such other and further relief as this Court deems just and proper.

DATED this 27th day of September, 2017.

GRANT & ASSOCIATES

/s/ Annalisa N. Grant, Esq.

ANNALISA N. GRANT, ESQ.

Nevada Bar No. 11807

GRANT & ASSOCIATES

7455 Arroyo Crossing Parkway, Suite 300

Las Vegas, Nevada 89113

Phone: (702) 940-3529

Fax: (855) 429-3413

Annalisa.Grant@aig.com

Attorney for Defendants

JOGINDER SINGH and PEOPLE EXPRESS
TRANSPORT LTD.

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 27th day of September, 2017, I served a true and correct copy of the foregoing **DEFENDANTS JOGINDER SINGH AND PEOPLE EXPRESS TRANSPORT LTD.'S ANSWER TO PLAINTIFFS' COMPLAINT** by serving as follows:

 X Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

 depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Daniel D. Simon, Esq.
SIMON LAW
810 South Casino Center Blvd.
Las Vegas, NV 89101
Attorney for the Plaintiffs

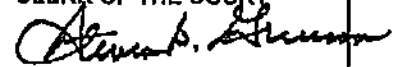
/s/ Camie DeVoge

An Employee of
GRANT & ASSOCIATES

Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

Exhibit "C"

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9/27/2017 12:12 PM
Steven D. Grierson
CLERK OF THE COURT



DMJT
ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Phone: (702) 940-3529
Fax: (855) 429-3413
Annalisa.Grant@aig.com

Attorney for Defendants
JOGINDER SINGH and
PEOPLE EXPRESS TRANSPORT LTD.

DISTRICT COURT
CLARK COUNTY, NEVADA

CARLOS ESPINOZA; and CRISTINA)
ESPINOZA, Husband and Wife)

Plaintiffs,

vs.

JOGINDER SINGH; PEOPLE EXPRESS)
TRANSPORT LTD.; DOES I through V and)
ROE CORPORATIONS VI through X,)
inclusive,)

Defendants.)

CASE NO.: A-17-757605-C
DEPT. NO.: XXI

DEFENDANTS JOGINDER SINGH
AND PEOPLE EXPRESS
TRANSPORT LTD.'S DEMAND FOR
JURY TRIAL

COME NOW Defendants, JOGINDER SINGH and PEOPLE EXPRESS TRANSPORT,
LTD., by and through their counsel of record, Annalisa N. Grant, Esq. of Grant & Associates,
and hereby demands a trial by jury of all issues in the above-captioned action.

DATED this 27th day of September, 2017.

GRANT & ASSOCIATES

/s/ Annalisa N. Grant, Esq.

ANNALISA N. GRANT, ESQ.
Nevada Bar No. 11807
GRANT & ASSOCIATES
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113

Attorney for Defendants JOGINDER SINGH and
PEOPLE EXPRESS TRANSPORT LTD.

CERTIFICATE OF SERVICE

I certify that I am an employee of GRANT & ASSOCIATES and that on this 27th day of September, 2017, I served a true and correct copy of the foregoing **DEFENDANTS JOGINDER SINGH AND PEOPLE EXPRESS TRANSPORT LTD.'S DEMAND FOR JURY TRIAL** by serving as follows:

 x Through the Court authorized electronic mail to all parties listed on the master service pursuant to Administrative Order 14-2 and Rule 9 of the NEFCR;

 depositing said document(s) with the U.S. Postal Service;

addressed to the following person(s) at the address(es) listed below:

Daniel D. Simon, Esq.
SIMON LAW
810 South Casino Center Blvd.
Las Vegas, NV 89101
Attorney for Plaintiff

/s/ Camie DeVoge

An Employee of
GRANT & ASSOCIATES

Grant & Associates
7455 Arroyo Crossing Parkway, Suite 300
Las Vegas, Nevada 89113
Telephone No. (702) 940-3529
Facsimile No. (855) 429-3413

Exhibit “D”

SIMON LAW
810 S. Casino Center Blvd.
Las Vegas, Nevada 89101
702-364-1650 Fax: 702-364-1655

1 REA
2 DANIEL S. SIMON, ESQ.
3 Nevada Bar No. 4750
4 BENJAMIN J. MILLER, ESQ.
5 Nevada Bar No. 10406
6 SIMON LAW
7 810 South Casino Center Boulevard
8 Las Vegas, Nevada 89101
9 Telephone (702) 364-1650
10 Facsimile (702) 364-1655
11 lawyers@simonlawlv.com
12 Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

10 CARLOS ESPINOZA; and
11 CRISTINA ESPINOZA,
12 Husband and Wife,
13 Plaintiffs,
14 vs.
15 JOGINDER SINGH;
16 PEOPLE EXPRESS TRANSPORT LTD.;
17 DOES I through V
18 and ROE CORPORATIONS VI through X,
19 inclusive,
20 Defendants.

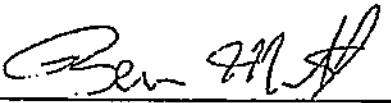
CASE NO.: A-17-757605-C
DEPARTMENT: XXI

REQUEST FOR EXEMPTION
FROM ARBITRATION

21 COMES NOW, Plaintiffs, by and through their undersigned attorney, DANIEL S.
22 SIMON, ESQ, and hereby files their request to exempt this action from mandatory arbitration.

23 This request is made and based upon the exemption set forth in NAR 3A that the probable
24 jury verdict value is in excess of \$50,000.00, all the pleadings and papers on file herein, and the
25 following Points and Authorities.

26 Dated this 22nd day of September, 2017.


27 DANIEL S. SIMON, ESQ.
28 Nevada Bar No. 4750
BENJAMIN J. MILLER, ESQ.
Nevada Bar No. 10406
SIMON LAW
Attorneys for Plaintiff

POINTS & AUTHORITIES

I.
INTRODUCTION

That on or about January 21, 2016, Plaintiff, CARLOS ESPINOZA, was a truck driver traveling northbound on Interstate 15 when Defendant JOGINDER SINGH, while in the course and scope of his employment with, Defendant PEOPLE EXPRESS TRANSPORT LTD., was driving a vehicle owned and registered to Defendant PEOPLE EXPRESS TRANSPORT LTD., and failed to pay full attention and violently rear-ended Plaintiff's vehicle causing him to lose control of his vehicle causing him to leave the freeway where he overturned his tracker trailer in the open desert. This collision caused serious and disabling injuries to Plaintiff's person.

That at all relevant times, Defendant JOGINDER SINGH was an agent, servant, employee, or joint venturer of Defendant PEOPLE EXPRESS TRANSPORT LTD.. Defendant PEOPLE EXPRESS TRANSPORT LTD., is vicariously liable for the acts of Defendant JOGINDER SINGH and/or its employees, agents or partners. Defendant PEOPLE EXPRESS TRANSPORT LTD., has fully authorized, approved and ratified the conduct of Defendant JOGINDER SINGH.

That at said time and place, Defendants so negligently, intentionally, and/or recklessly operated, owned, maintained, controlled, entrusted and drove said motor vehicle as to proximately cause the accident with Plaintiff's vehicle.

That as a direct and proximate result of the negligent, intentional, and/or reckless conduct on the part of the Defendants, the Plaintiff CARLOS ESPINOZA was rendered sick and lame and received serious and disabling injuries to his person; severe shock to the nervous system and great pain, suffering anxiety; and loss of enjoyment of life that further Plaintiff CARLOS ESPINOZA was prevented in part from attending to his usual activities and will be prevented, in part, from attending to his usual activities in the future; and that, further, said injuries have permanently and partially disabled said Plaintiff.

As a direct and proximate result of the negligent, intentional, and/or reckless conduct on the part of the Defendants, as aforesaid, the Plaintiff CARLOS ESPINOZA was required to seek medical care and to undergo medical treatment, including, but not limited to, treatment by

1 physicians, and the taking of medication; that the total cost of said medical treatment to date is
2 believed to be in an amount in excess of \$111,117.99.

3	1.	St. Rose Dominican Hospital	\$TBS
4	2.	CORE Rehab / NV Spine and Disc	\$1,172.00
5	3.	Dr. Enrico Fazzini	\$11,536.00
6	4.	Family Doctors of Green Valley	\$3,557.00
7	5.	Fremont Emergency Services	\$1,851.67
8	6.	Anesthesiology Consultants	\$3,120.00
9	7.	Ultra Imaging / Simon Med Imaging	\$9,386.32
10	8.	Centennial Medical Group	\$26,245.00
11	9.	Centennial Surgery Center	\$52,800.00
12	10.	Western Regional Center for Brain & Spine Surg.	\$1,000.00
13	11.	Dr. Mortillaro	\$TBS
14	12.	Pueblo Medical Imaging	\$450.00
15		Total	\$111,117.99

16 II.

17 ARGUMENT

18 To date, Plaintiff has incurred medical expenses in excess of \$111,117.99, and will incur
19 future medical expenses. Plaintiff is asserting claims for permanent disability, pain and suffering,
20 future medical treatment and general damages, as well as attorney's fees and costs. Due to the
21 severe and extensive nature of the injuries sustained by Plaintiff, and their permanence in nature,
22 the extent of damages clearly exceeds the \$50,000.00 arbitration limit amount. It is therefore
23 requested that this case be exempted from mandatory arbitration in accordance with Nevada
24 Arbitration Rules 3A and 5A.

25 //

26 //

27 //

28 //

1 I hereby certify pursuant to N.R.C.P. 11 this case to be within the exemption(s) marked
2 above and am aware of the sanctions which may be imposed against any attorney or party who
3 without good cause or justification attempts to remove a case from the arbitration program.

4 Dated this 28 day of September, 2017.

5 Respectfully submitted,

6
7 By: 

8 **DANIEL S. SIMON, ESQ.**

9 Nevada Bar No. 4750

10 **BENJAMIN J. MILLER, ESQ.**

11 Nevada Bar No. 10406

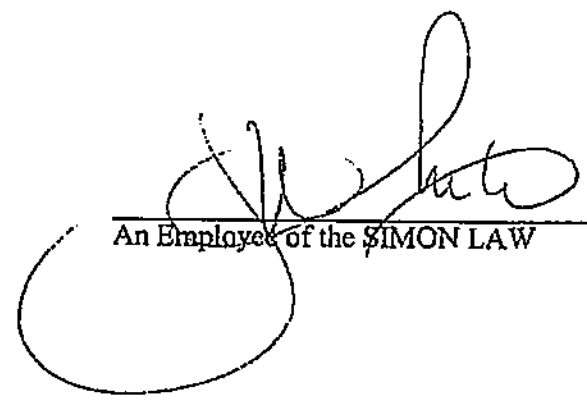
12 **SIMON LAW**

13 Attorneys for Plaintiff

14 **CERTIFICATE OF MAILING**

15 I hereby certify that on the 28 day of September, 2017, I served the above and foregoing
16 **REQUEST FOR EXEMPTION FROM ARBITRATION** by depositing a true and correct copy
17 thereof in the United States Mail, in Las Vegas, Nevada, postage prepaid, addressed to the
18 following:

19 Annalisa N. Grant, Esq.
20 **GRANT & ASSOCIATES**
21 7455 Arroyo Crossing Parkway, Suite 300
22 Las Vegas, NV 89113
23 (702)940-3529
24 Fax (855)429-3413
25 Annalisa.Grant@aig.com
26 Attorney for Defendants

27
28 
An Employee of the SIMON LAW